

REMARKS

Claims 1-22 remain pending in the application.

The Applicant respectfully requests that the Examiner reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

Claims 1, 2, 4-10, 12-15, 17, 19 and 21 over Mangold in view of Miliani

In the Office Action, claims 1, 2, 4-10, 12-15, 17, 19 and 21 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,668,324 to Mangold et al. ("Mangold") in view of U.S. Patent No. 5,682,426 to Miliani et al. ("Miliani"). The Applicant respectfully traverses the rejection.

Claims 1, 2 and 4-7 recite a digital data stream wherein only some of a plurality of data packets within the digital data stream are scrambled. Claims 8, 9 and 17 recite scrambling a first central portion of a data payload of some of a plurality of data packets within a data packet stream.

The Examiner acknowledged that Mangold fails to teach a digital data stream wherein some of a plurality of data packets within the digital data stream are scrambled (See Office Action, page 3). The Examiner relies on Miliani at col. 15, lines 7-15 to allegedly make up for the deficiencies in Mangold to arrive at the claimed features. The Applicant respectfully disagrees.

Miliani at col. 15, lines 7-15 appears to disclose a method of allowing providers of premium channels, such as HBO, to block reception thereof. To accomplish this task, an interdiction device is used to selectively scramble television channel signals from within the block of locally decrypted channel signals (see Miliani, col. 15, lines 12-15). Thus, Miliani simply discloses selectively scrambling of certain premium channels such as HBO, without any disclosure of reliance on packetized information. Miliani fails to disclose or suggest scrambling some of a plurality of data packets within a digital data stream, as recited by claims 1, 2, 4-10, 12-15, 17, 19 and 21.

The Examiner argued in the Response to Arguments section of the Office Action "that Miliani teaches that the data blocks are selectively encrypted on the channel" with "only premium data is sent encrypted" (see Office Action, page 2). The Examiner ACKNOWLEDGED that Miliani differentiates between premium and non-premium channels. However, the Examiner is LUMPING ALL of the channels together and alleging that Miliani's scrambled premium channels and unscrambled non-premium channels equates to scrambling some of a plurality of data packets within a digital data stream. However, as discussed above, Miliani discloses descrambling of television channels, with NO disclosure that those television channels are being broadcast in a digital form, much less a digital data stream. The Examiner FAILED to even REFUTE this point. Thus, the Examiner cannot make the assumption that Miliani is using anything other than conventional analog television signals. In fact, all of Miliani's input signals into variously disclosed descramblers are disclosed as a multi-channel **RF signal** in separate frequency channels NOT digital inputs (see Miliani, Figs. 4, 14, 15-18 and 20; col. 4, lines 36-42). Miliani fails to disclose scrambling of a digital data stream, as recited by claims 1, 2, 4-10, 12-15, 17, 19 and 21.

Thus, even if it were somehow obvious to modify Mangold with the disclosure of Miliani, which it is not as discussed below, the theoretical result would be a system and method of safeguarding data within a device such as a computer (see Mangold, col. 1, lines 6-25) through encryption of resync blocks (see Mangold, Fig. 7) and encryption of premium television channels such as HBO (see Miliani, col. 15, lines 12-15). Mangold modified by the disclosure of Miliani fails to disclose or suggest scrambling and descrambling some of a plurality of data packets, as recited by claims 1, 2, 4-10, 12-15, 17, 19 and 21.

Moreover, Mangold modified by Miliani is nonsensical. Mangold is directed toward encryption of information being transmitted within a computer. Miliani is directed toward encryption of television channels. Since components within a computer do not watch television, i.e., premium television channels such as HBO, modifying Mangold to encrypt television channels within a computer is nonsensical.

The Examiner argued in the Response to Arguments section of the Office Action that the Examiner “is confused as to the argument that Mangold is directed toward encryption of information being transmitted within a computer” with “Figure 1 of Mangold clearly shows that data is being transmitted from a satellite. Mangold shows a safeguarding device for watching programs. Mangold is not restricted to a computer watching television. Therefore, the examiner asserts that the combination of Mangold and Miliani is not nonsensical.” The Applicants respectfully disagree.

Mangold discloses that the “various encryption techniques employed only protect the data during transmission. Once data is received, it must be decrypted in order for the receiving device to be able to process the data. Once the data is decrypted within a receiving device, the data is susceptible to unauthorized access and manipulation.” (see col. 1, lines 40-45). Mangold further discloses “What is required is a method and system to protect data inside an open architecture device, such as, for example, a personal computer.” (see col. 1, lines 46-49). Thus, Mangold is directed toward using encryption and decryption of data while being moved between components INSIDE and WITHIN an open architecture device, such as a computer. The fact that Mangold discloses a source of such data being a satellite signal does not change the fact that Mangold’s invention is directed towards using a protected content exchange (PCX) encrypted data stream for the transfer of data between components within a computer. Thus, the Applicant’s argument above that Mangold modified by Miliani is nonsensical is supported by the disclosures of Mangold and Miliani.

Claims 10, 12-15, 19 and 21 recite scrambling and descrambling only a central portion of every nth one of a plurality of data packets, where n is an integer greater than 1.

The Examiner points to Mangold at col. 4, lines 55-63 to disclose scrambling only a central portion of every nth one of a plurality of data packets, where n is an integer greater than 1 (see Office Action, page 6). However, Mangold at col. 4, lines 55-63 discloses “Thus, the data is protected from

unwarranted hacking or copying within data safeguarding system 100. Within data safeguarding system 100, the transmission headers of the data are left decrypted while the payload of the data is reencrypted by PCX module 106. Thus, the payload of the data is protected from unwarranted copying or hacking during transfer within system 100 while allowing untrusted components to access the portions of the data stream they need."

Thus, Mangold at col. 4, lines 55-63 discloses encryption of an entire data payload and while leaving the entire transmission headers decrypted. Mangold at col. 4, lines 55-63 nor anywhere else within Mangold discusses anything about a central portion of a data packet, much less disclose scrambling only a central portion a data packet, much less disclose scrambling only a central portion of every nth one of a plurality of data packets, where n is an integer greater than 1, as recited by claims 10, 12-15, 19 and 21.

Thus, Mangold modified by Miliani would STILL fail to disclose or suggest scrambling and descrambling only a central portion of every nth one of a plurality of data packets, where n is an integer greater than 1, as recited by claims 10, 12-15, 19 and 21.

For these and other reasons, claims 1, 2, 4-10, 12-15, 17, 19 and 21 are patentable over the cited art. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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